

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20206

U. S. COURT OF APPEALS
FILED

MAR 14 2002

CHARLES R. FULBRUGE III
CLERK

In Re: FLEMING & ASSOCIATES LLP; DAVID JOSE; JAMES BRISTER;
PETER MAXFIELD; GEORGE ATALLAH,

United States Courts
Southern District of Texas
FILED

Petitioners **MAR 21 2002**

CA-01-3624

Michael N. Milby, Clerk of Court

Petition for Writ of Mandamus to the United States District Court
for the Southern District of Texas, Houston

Before DAVIS, BENAVIDES and CLEMENT, Circuit Judges.

BY THE COURT:

Petitioners seek mandamus of the district court's complaining of orders that, among other things, would prohibit the filing of non-class action suits in state court. While we have serious reservations about the propriety of a federal court's prohibition of non-class action filings in a state forum, we nonetheless are constrained to deny mandamus. Injunctive orders may be appealed. 28 U.S.C. § 1292(a)(1). Thus, other adequate means of obtaining relief are available.

IT IS ORDERED that the petition for writ of mandamus is DENIED.

IT IS FURTHER ORDERED that the motion for stay of the February 15, 2002 district court order enjoining petitioners is DENIED.

A true copy

Test

Clerk, U. S. Court of Appeals, Fifth Circuit

By

Deputy

MAR 14 2002

New Orleans, Louisiana

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